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EXAMINER

COBANOGLU, DILEK B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on 9/11/2008. Claim 8 has been canceled. Claims 1-7, 9-12 and 14-16 remain pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga et al. (hereinafter Jamroga) (U.S. Patent No. 6,574,742 B1) in view of Satoh (U.S. Patent Publication No. 2002/0059236 A1).

A. Claim 1 has been amended now to recite a business method by which a payer and an individual other than the payer are authorized for access to digital medical image data generated by up to a plurality of imaging facilities, the business method comprising the steps of:

- i. receiving digital medical image data generated by the imaging facilities using a gateway at each imaging facility (Jamroga; col. 7, lines 10-17, col. 8, lines 44-67, col. 10, line 53 to col. 11, line 52, figures 1-2, 5);

- ii. transmitting the received digital medical image data from the gateway to a central server via a network and storing the digital medical image data at the central server (Jamroga; col. 10, lines 21-52, col. 16, line 58 to col. 17, line 30, figures 1-2, 4-7);
- iii. receiving an upload of radiology report on one of the stored digital medical image data (Jamroga; col. 6, line 64 to col. 7, line 17, col. 8, lines 44-67, col. 12, line 66 to col. 13, line 12);
- iv. linking the uploaded radiology report to a matching stored digital medical image data, so as to form a study comprised of stored digital medical image data and an associated radiology report (Jamroga; col. 12, line 66 to col. 13, line 12);
- v. receiving demographic data associated with the study, including information on the associated facilities, physicians and payers (Jamroga; col. 12, line 66 to col. 13, line 21);
- vi. providing the payer with access to the study and associated demographic data via an authorization process on the network for a fee (Jamroga; col. 6, line 64 to col. 7, line 44, col. 8, lines 44-67, col. 9, lines 22-33, col. 12, lines 29-65, col. 13, lines 12-20, col. 12, line 66 to col. 13, line 21);
- vii. forwarding access to the study and associated demographic data to an individual other than the payer, wherein access is forwarded to the

other individual by the payer and the other individual is thereafter provided with access to the study and associated demographic data via the authorization process on the network; and

viii. notifying the other individual that access to the study and associated demographic data has been forwarded to him, together with information on how to access the study and associated demographic data.

- Jamroga fails to expressly teach the payer forwarding access to an individual other than the payer (or the granter) wherein access is forwarded to the other individual by the payer (or the granter) and the other individual is thereafter provided with access to the stored data via the authorization process on the network and notifying the other individual that access has been forwarded to him, together with information on how to access it. However, this feature is well known in the art, as evidenced by Satoh.

In particular, Satoh discloses teach the payer forwarding access to an individual other than the payer (or the granter) wherein access is forwarded to the other individual by the payer (or the granter) and the other individual is thereafter provided with access to the stored data via the authorization process on the network and notifying the other individual that access has been forwarded to him, together with information on how to access it (Satoh; paragraphs: 0010-0011, 0025-0029, figure 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Satoh with the motivation of controlling access rights concisely in an environment wherein a number of users on the network use data in common (Satoh; paragraph: 0009).

Jamroga fails to expressly disclose receiving a report generated by the imaging facilities and stored at the central server. Wood discloses the steps of: receiving a report corresponding to digital medical image data generated by the imaging facilities (Fig. 1, #22, col. 2 line 60 to col. 3 line 42); and storing the report at the central server (Fig. 1, #24b, col. 2 line 60 to col. 3 line 42).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Wood within the method of Jamroga with the motivation of enabling diagnostic information and reports to be accessed from remote locations (Wood; col. 1, lines 43-57).

B. As per claim 2, Jamroga discloses wherein the digital medical image data is transmitted from the gateway (proxy server, 32) to the central server using an authenticated session over a secure protocol (Fig. 2-6, 11, col. 12 line 29 to col. 13 line 12).

C. As per claim 3, Jamroga discloses wherein the network is the Internet (Figure 2).

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D. As per claim 4, Jamroga discloses wherein the central server (#12) is remote from both the imaging facilities (#14,. first participant institution) and the payer (#14, second participant institution) (Fig. 1, col. 6 line 64 to col. 7 line 45).

E. As per claim 5, Jamroga discloses the step of determining if the digital medical image data received by the gateway is associated with the payer (Fig. 3-4, col. 9 line 47 to col. 10 line 52), wherein only digital medical image data determined to be associated with the payer is transmitted to the central server and stored (Fig. 3-4, .col. 9 line 47 to col. 10 line 52. col. 12 line 66 to col. 13 line 20).

F. As per claim 6, Jamroga discloses wherein the digital medical image data is received by the gateway using a DICOM protocol (Fig. 11, col. 10, line 53 to col. 11, line 10, col. 15 line 5 to col. 61 line 51).

G. As per claim 7, Jamroga discloses wherein the digital medical image data is transmitted to the central server and stored in the same format as it was received by the gateway (Figure 4, col. 7 line 56 to col. 8 line 23).

H. As per claim 9, Jamroga discloses a business method according to claim 1, wherein the report is encrypted and transmitted to the central server via the network using an authenticated and secure communication session (Fig. 2-6, 11, col. 12, line 29 to col. 13, line 21).

I. As per claim 10, Jamroga discloses a business method according to Claim 1, further comprising the step of providing an interface for the payer to forward access for the study and associated demographic data to the other individual.

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The obviousness of modifying the teaching of Jamroga to include the payer forwarding access to an individual other than the payer (as taught by Satoh) is as addressed above in the rejection of claim 1 and incorporated herein.

J. As per claim 11, Jamroga discloses a business method according to Claim 1, further comprising the step of recording access to the study and associated demographic data, wherein access records are provided to the payer via the network for studies associated with the payer (col. 12 line 29 to col. 13 line 20, col. 14 line 55 to col. 15 line 4).

K. As per claim 12, Jamroga does not expressly disclose where access to the stored digital medical image data and corresponding reports is provided using a web-based viewer (Jamroga; col. 5, lines 17-20).

L. As per claim 15, Jamroga discloses a business method according to claim 1, wherein there are limitations on the power of the payer to forward access to other individuals.

The obviousness of modifying the teaching of Jamroga to include the payer forwarding access to an individual other than the payer (as taught by Satoh) is as addressed above in the rejection of claim 1 and incorporated herein.

M. As per new claim 16, Jamroga discloses a business method according to claim 1.

- Jamroga fails to expressly teach notifying the other individual by e-mail that access has been forwarded to him. However, this feature is well known in the art, as evidenced by Satoh.

In particular, Satoh discloses teach notifying the other individual by e-mail that access has been forwarded to him (Satoh; paragraphs: 0010-0011, 0025-0029, figure 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Satoh with the motivation of controlling access rights concisely in an environment wherein a number of users on the network use data in common (Satoh; paragraph: 0009).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga et al. (hereinafter Jamroga) (U.S. Patent No. 6,574,742 B1), Satoh (U.S. Patent Publication No. 2002/0059236 A1) and further in view of Peled et al. (hereinafter Peled) (U.S. Patent Publication No. 2005/0066165 A1).

A. As per claim 14, Jamroga discloses a business method according to Claim 1.

- Jamroga fails to expressly teach the other individual is granted access for a limited time. However, this feature is well known in the art, as evidenced by Peled.

In particular, Peled discloses the other individual is granted access for a limited time (Peled; paragraphs: 0123, 0351).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Peled with the motivation of protecting confidential information (Peled; abstract and paragraph: 0123).

Response to Arguments

6. Applicant's arguments filed 9/11/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument about Wood does not teach "linking an uploaded radiology report to a matching stored digital medical image data so as to form a study" and "demographic data associated with such study including information on the associated facilities, physicians and payers, or forwarding access to the study and the associated demographic information to an individual other than the payer"; Examiner respectfully submits that Jamroga teaches "Yet another object of the invention is to provide a communication device and method of the above character permitting the tracking and reporting of participant transactions." In col. 5, lines 28-31 and "The warehouse server also preferably compiles and transmits accounting information on the data and images stored to the system for billing purposes. This information is automatically transmitted to the account information database 72 for account reconciliation and participant institution 14 invoicing purposes. Monthly invoices detailing the number of

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studies stored to the device and method 10 are compiled from this information and transmitted to the participant institution for payment.” In col. 13, lines 13-21.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626
12/9/2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626